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T H E
C L A I M S
O F T H E
P E O P L E
O F
E N G L A N D.

N. B. Those Persons, who have not Leisure (in the present awful and important Crisis of public Affairs) to peruse this little Tract, may view the *Substance* of it, in an ABSTRACT, at the End of the Book ; which has References (as an *Index*) for more full Information on each Article.

F O U R T H E D I T I O N.

“ *The Work of RIGHTEOUSNESS*” (which necessarily includes the duty of restoring to all men their RIGHTS and just Claims) “ *shall be PEACE ; and, the Effect of* “ RIGHTEOUSNESS, *Quietness and Assurance for ever.*” — Isaiah xxxii. 17.

“ — *For the Throne is established by RIGHTEOUSNESS.* (Prov. xvi. 12.) But — “ *there is no PEACE, saith my* “ God, *to the WICKED.*” — Isaiah lvii. 21.

L O N D O N :

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The CLAIMS of the People of ENGLAND.

IN the beginning of the present century, (anno 1701, 12 W. III.) a sensible and loyal Writer drew up a small Tract of political information, which he intitled — “ THE CLAIMS OF THE PEOPLE OF ENGLAND *essayed in a Letter from the Country.*” But, before the Tract was printed, the Author had the satisfaction to hear, that the *Claims*, he had asserted, were in many respects established by a new Act of the Parliament then sitting; which seasonable attention to the People’s *Rights* he most gratefully acknowledged in a Postscript to his Letter.

The *Act of Settlement*, by virtue of which the present Royal Family succeeded to the Crown of these Realms, was the Statute, which then so happily (in the opinion of that Writer) “ secured THE CLAIMS OF THE PEOPLE OF ENGLAND.”

It is intitled, “ *An Act for the farther Limitation of the Crown, and better securing the Rights and Liberties of the Subject;*” — and accordingly contains

eight very excellent Articles of *Limitation*, agreeable to “ *the Claims of the People of England;*” which, it seems, were enacted, “ *with the unanimous Concurrence of both Houses of Parliament,*” for the express purpose of “ *securing our Religion, Laws, and Liberties.*”

One of these Articles ordained—“That” — “ *all matters and things relating to the well governing of this Kingdom, which are properly cognizable in the Privy Council by the Laws and Customs of this Realm, shall be transacted there, and all Resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same.*” ||

And by another of these Articles it was ordained — “ *That no person, who has an Office, or Place of profit, under the King, or receives a Pension from the Crown, shall be capable of serving as a Member of the House of Commons.*”*

But,

|| This excellent provision would effectually prevent any *secret Council*, or *Faction*, from becoming *efficient without Responsibility*.

* It might perhaps have been objected at that time, as well as at present, that such a *total exclusion of Placemen* would withdraw from Parliament the *Council and Assistance* of many worthy *Men in Office*, (or that ought to be *in Office*,) whose parliamentary Abilities are the most distinguished

But, as the Parliament was at that time invested with the dangerous unconstitutional power of a *triennial* duration without *Re-election*, it was impossible that the *Elected* (who thereby acquired a temporary independency of the *Electors*, and, of course, too many of them, a *separate interest* of their own) could long continue *real* Representatives of the *People's Claims*; and, consequently, these two most excellent provisions against *undue influence* were unhappily repealed, a very

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few

distinguished and eminent in the Kingdom. Yet there is an obvious answer to this objection, viz. That it is very easy for a free Parliament (if in their wisdom they shall think it proper) to permit the *great Officers of State*, or even *their Secretaries or first Clerks* to have seats in Parliament, and, as Members, not only to declare their opinions, but also, for the better information of the House, even to *debate and reply* upon all questions relating to public affairs; which might be allowed without any dangerous effect, provided they are duly restrained from the single privilege of VOTING. The Nation by this means may have ample benefit in the exercise of their great and shining abilities, without risque of *undue influence*, which cannot justly be attributed to mere *argument*, as that has no other weight or effect than what is fairly due to its merit; and any unreasonable *length of speech*, whenever it is used with an apparent intention to procrastinate and obstruct the intention of the Majority, may be duly restrained at the pleasure of the House. But otherwise, (i. e. without some due restriction, and, more especially, *without an absolute exclusion from the power of voting*,) a TREASURY BENCH, or any other BENCH OF PLACEMEN, in the House of Commons, is a *manifest ABOMINATION*, utterly repugnant to all just Ideas of a *free uninfluenced Parliament*, and consequently is highly derogatory to the honour of that House!

few years afterwards, in the 4th year of Queen Anne (c. 8.) Which amply proves, that the most salutary provisions for "*the Claims of the people*" cannot be securely established under *triennial* or *septennial* Parliaments; and, of course, that the antient usage of *sessional* ELECTIONS is a *Claim*, of all others the most essentially necessary for our welfare.

Since the fatal repeal above mentioned, the prevalence of *undue influence* hath so rapidly and enormously increased, that the ever-loyal Citizens of London thought it their duty, in the year 1770, to bear testimony against it; and accordingly they asserted, in a public declaration to the King himself, that "*the*" (then) "*House of Commons*" "*did NOT represent the people.*" †

Subsequent Facts have demonstrated the absolute necessity we are now under to *claim* and promote an *unequivocal* abolition of all *undue Influence* in Parliament.

Measures, the most *unrighteous*, as well as the most *ruinous* that could have been devised,

† "Representatives of the People are essential to the making of Laws, and there is a Time when it is morally demonstrable that Men cease to be Representatives. That Time is now arrived. THE PRESENT HOUSE OF COMMONS DO NOT REPRESENT THE PEOPLE." —Address of the Mayor, Aldermen, &c. of the City of London, 1770.

vised, have been adopted and carried on under a pretended sanction of *parliamentary Authority*, § which have involved both King and People (whose true interests are inseparable) in the most alarming difficulties: and the ostensible Agents in the mischief have obstinately persevered to the utmost extension of *ability*, until public Disasters, and a happy preventive incapacity of their own, (their Heads and Funds being equally exhausted of council and resource,) have compelled them to make a temporary retreat; though the nu-

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merous

§ This must of course be understood to refer (if you please) only to *former* Parliaments that began the Mischief, whose *pretended Sanction* had more of the *Name* than the *Reality* of *parliamentary Authority*, if a *real Representation of the Commons* be at all essential to constitute a true *legal Parliament*.

The Representatives are chosen by a *very small Proportion* of the People, and even that *small Proportion* of People is so monstrously *unequal* in their *power of delegation*, that the small Number of 5723 Borough Voters elect 254 Representatives, which is very near *half* the Number of Representatives that are due to six Millions of People, and *more than half*, or a *Majority*, of the Numbers that are ever known to attend at any one Time. The INJUSTICE of such an *enormous Disproportion* in the Representation of the whole People cannot be paralleled by any other gross Absurdity, except THE INIQUITY of rendering that *disproportionate Representation* still more contemptible and nugatory by SEPTENNIAL or (what were nearly as pernicious) TRIENNIAL, instead of the ancient constitutional Usage of SESSIONAL, ELECTIONS.

merous Corps of Placemen, Pensioners, Contractors, &c. occasionally procured them a shameful Majority almost to the last !

Hence it is evident that the *Corruption of Parliament* is the real source of all our national calamities and grievances, which cannot therefore be relieved by a *mere change of Ministry*.

The *Minority* in Parliament hath once before, in the memory of most men, become the *Majority*; and the worthy Opposers of bad measures were indulged with a temporary administration of public Affairs, until the secret *efficient Cabinet* could recover from the surprise and dismay of their former defeat in Parliament, and, by a renewed exertion of their *undue influence*, were able to shackle the new Administration with the rueful alternative, either to abandon their newly-acquired dignities, or else to adopt such measures as must effectually deprive them of the people's confidence; after which they were contemptuously compelled (one by one, or as it might best suit the purposes of the reigning system of *undue influence*) to yield up their places for the emolument of the more pliant creatures of the secret faction.

It

It would be madness for *Englishmen*, after such galling experience, to neglect their just and indispensable *Claim* to some immediate and effectual precaution against similar *delusions*. To trust another new Administration, without insisting at the same time on a constitutional *limitation of power*, by a *free uninfluenced Representation of the Commons*, may be dangerous to our very existence as an independent Kingdom!

The reduced circumstances of the Nation cannot admit the risque of another such credulous experiment!

It is therefore become absolutely necessary, for the security both of King and People, (which includes the *true interest* of all parties,) that the just "*Claims of the People*" be satisfied in an immediate Restoration of the antient *legal and responsible* Government, by a *Revival* of the two repealed Articles of the Act of Settlement, above recited, and by a *Revival* also of that most excellent Statute for SESSIONAL PARLIAMENTS, passed in the 4th of K. Ed. III. c. 14. declaring, "*that a Parliament*" (meaning a *newly-elected* Parliament, as the writs of those times incontestably demonstrate) "*shall be holden every year once, and more often if need be.*" But this indispensable

sible *Right* and *Claim* of the People (for the *Act* itself is no more than an authentic *Declaration*, or *Acknowledgement*, of an antient *Right*) cannot have complete effect without totally repealing an *Act* of the 8th year of K. Hen. VI. (cap. vii.) which, on *false pretences*, (whereby it is rendered unworthy the title and dignity of a *Statute*,) disfranchised at once by far the greatest part of the English Nation, by robbing them of their BIRTHRIGHT, ‡ the inestimable *Right* of

‡ In the *Act* of Settlement, by virtue of which the present King sits on the Throne, it is declared, that “ *the Laws of England are the Birthright of the people thereof.*” and, according to an antient Maxim of the Common Law, this our *Birthright in the Laws* is to be esteemed our *most valuable inheritance*, superior to every other Denomination of PROPERTY. “ *Major Hæreditas unicuique venit a jure et legibus quam a parentibus.*” Lord Coke says it — “ *is the best Birthright the subject hath; for thereby his Goods, Lands, Wife, Children, his Body, Life, Honour and Estimation, are protected from injury and wrong.*” and then he cites the maxim — “ *Major Hæreditas, &c. 2 Inst. p. 56.* An *Act* of Parliament, therefore, which sets up an *inferior* and mere *pecuniary property* as the object of representation, not only in preference, but to the total exclusion of that *superior property*, or personal Right, which ought to be esteemed the *most valuable inheritance*, or “ *BEST BIRTHRIGHT the subject hath,*” &c. is such a “ *malum in se,*” such an iniquitous contempt and infringement of *Common Right*, against *Reason and Justice*, and against the express declaration of a *fundamental principle of the English Constitution*, as cannot fail to render the *Act* “ *null and void*”

of voting for Representatives in Parliament, without which they cannot properly be esteemed *Freemen*, because the *Laws*, their BIRTHRIGHT and *most valuable Property*, may be *changed, suspended, or entirely withdrawn from them*, without their consent; whereas, in antient times, they enjoyed not only the privilege of voting, in *plen Countie*, (*i.e.* the full County-court or Parliament of each County,) for the Knights of the Shire, but frequently also for the Citizens

“ *void in itself*,” if the People will but unite in maintaining this just and legal plea against it; for which they have ample authority. See Doctor and Student, c. 10. wherein it is declared, that “ *Statutes cannot exist against REASON or the LAW DIVINE*,” — “ *nec contra RATIONEM, nec contra LEGEM divinam existunt* :” for the execrable iniquity abovementioned is surely *against both*; and therefore as “ *these two Laws*” (the Law of Reason and the Law of God) “ *cannot abate or turn aside*,” — “ *Hæ duæ Leges declinari non possunt*,” (ib. c. 17.) it is manifest that the unjust Act is utterly unworthy to be named a *Statute*, and must needs be *void*,* as it cannot otherwise be esteemed than a mere *corruption*, (or *corruptela*,) according to the express direction of the same approved Author in his 2d ch. — viz. — “ *Against this Law*,” (i. e. the Law of Reason,) “ *prescription, STATUTE, nor custom, may not prevail; and, if any be brought in against it, they be not prescriptions, STATUTES, nor Customs, but CORRUPTIONS, (CORRUPTELÆ,) things VOID and against Justice*.” — Doct. et Stud. Eng. ed. 1668, p. 5.

* “ Plowden has reported a variety of cases, wherein Acts of Parliament were esteemed *void in Law* through the want of *truth* in the *recitals*. See pages 398 to 400.” (Sharp’s Declaration, p. 237.) Which legal *disqualification* is obvious in the preamble to the Act in question; wherein *false pretences* are alleged to favour the fatal change. See p. 10.

zens and Burgeſſes, elected in their reſpective Counties; whereby the *Equality* of *Representation* was then preſerved; and may again be happily reſtored by ſome ſuch equitable mode of transferring the representation of *depopulated* or notoriously venal Boroughs to the Deciſion of their reſpective *County-courts*. Which method of *equaliſing Representation* deſerves preference to all others, becauſe it is not liable to the odious charge of *innovation*, but, on the contrary, is authenticated by *long-continued uſage and legal Precedents of ancient times*: and the ſame may be ſaid of all the other changes already recommended in this Addreſs.

By theſe approved and tried means, the juſt *claims of the people* may be *amply*, as well as *eafily*, eſtabliſhed; and the happy effects of ſuch a perfect Reformation would be *ſecurity* and *ſupport* to any *virtuous* Adminiſtration: for it would prevent their juſt meaſures from being *impeded* and *clogged* by the ſecret machinations of any private *Cabal*, or *Cabinet Faction*, that might otherwiſe be *efficient* without *Reſponſibility*; and it would alſo exclude the intereſted oppoſition of needy unprincipled perſons, who at preſent can *introduce themſelves* into P--l--m--t (if they can but find credit for
the

the (purchase-money) merely for the purposes of *private interest*! a *Trade* as *dishonourable* to themselves as it is *baneful* to the Nation; for the *Representation* of many Boroughs is now commonly esteemed a mere pecuniary property, and, as such, has in many instances been either notoriously *bought and sold*; or else is holden at the absolute disposal of *single Individuals*, (Peers and other overgrown Landholders,) for the dangerous purpose of enhancing their *own personal consequence*! An "*undue Influence*" this (in whatsoever hands it is lodged) that is most detestably *disgraceful to the Nation* as well as fundamentally *derogatory to the validity of every legislative Resolution*! and, what is still more alarming, will completely *ruin the Kingdom*, if the constitutional Remedies here proposed are not speedily adopted.

Old Jewry, March 23, 1782.

GRANVILLE SHARP,

An ABSTRACT of the *Claims*,
&c. and of the constitutional
 Means of redressing public Grie-
 vances, without *Innovation*. P. 12.

CLAIM I.

THAT neither the *Privy Council*, nor
 any *secret Cabinet* for State Affairs,
 ought to be *efficient without responsibility*.
 P. 4. n. and p. 12.

REMEDY. Revive a repealed clause of
 the Act of Settlement, "*That all matters*
cognizable in the PRIVY COUNCIL shall be
transacted there, &c. P. 4 & 9.

CLAIM II. That *all undue influence of*
the Crown ought to be totally excluded from
 Parliament, p. 6. and that a "*Treasury-bench*,"
 or any other *Bench of Placemen*, in the
 House of Commons, (unless duly restrain-
 ed from the privilege of *voting*,) is an
 ABOMINATION! utterly repugnant to all
 just ideas of a *free uninfluenced* Parliament!
 P. 5. n.

REMEDY. Revive a repealed Clause of
 the Act of Settlement: "*That no person,*
who

“ *who has an office or place of profit under the*
 “ *King, &c. shall be capable of serving as*
 “ *Members of the House of Commons.*” P. 4.

N.B. The ordinary objection to this clause may be obviated, by permitting the *great Officers of State, their Secretaries, &c.* to sit, debate, and inform the House, but without privilege of *voting.* P. 4 & 5. n.

CLAIM III. That “ *the Laws of England*
 “ *are the BIRTHRIGHT of the People there-*
 “ *of*” (p. 10, n.) ; yet the greater part of the People are robbed of that *Birthright* by an unconstitutional exclusion from any share in the Legislature ; so that *the Laws (the most valuable Property to EVERY MAN — “ UNICUIQUE VENIT,” &c. p. 10.)* may be changed, *suspended,* or repealed, without their assent. P. 11.

REMEDY. Repeal the Act of 8 Hen. VI. c. 7. whereby the People in general were robbed of that BIRTHRIGHT. P. 10.

CLAIM IV. That the *Representation of the People* ought to be rendered *more equal.*

REMEDY. Refer the enormous disproportion of *delegating* power, now enjoyed by *venal Boroughs,* (p. 7. n.) to the decision of the *County-Courts,* according to ancient *Precedents.* (P. 12.)

CLAIM

CLAIM V. Experience has demonstrated, that neither *the most salutary provisions for our just Claims* can long subsist, (p. 6.) nor any *Changes of Ministry*, (p. 8.) be effectual to restore them, under *triennial* and *septennial* Parliaments, p. 5. so that the ancient usage of renewing the Representation BY A GENERAL ELECTION EVERY SESSION is the most essential *Claim* of all others for the welfare of the Kingdom. P. 6.

REMEDY. Repeal the Acts for *triennial* and *septennial* Parliaments; and then, of course, the Statute of 4 Ed. III. c. 14. will recover its original efficacy, and must be construed agreeable to the *usage* of the times when it was deemed fully effectual; which may be ascertained by the evidence of *Election-Writs* having been issued generally "*every year once*," and frequently "*more often*:" so that *the ancient usage, sessional Elections*, is an unquestionable Right and Claim of the People. (See p. 9.)

The certain Effect of these *constitutional Remedies* will be *Security* and *Support* to a *virtuous Administration*. P. 12. See also the Motto in the Title.

THE END.